THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION No.8202 of 1996

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Date:09-09-2005

Between:

1. Somaraju Ranga Rao and three others .. **Petitioners**

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A n d

1. The Govt. of AP. And three others .. **Respondents**

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.8202 of 1996

ORAL ORDER:

Alleging that the respondents after having taken possession of Ac.0-10gts in S.No.459, Ac.0-30gts in S.No.462, Ac.1-31gts in S.No.464, Ac.0-28gts in S.No.475, Ac.2-34gts and a big well in S.No.477/3, Ac.1-06gts in S.No.478, Ac.1-00 in

S.No.482/1,

Ac.0-20gts with 7 Mango trees, 10 tamarind trees and 1 toddy tree in S.No.482/3 & 5, Ac.2-15gts in S.No.573 and Ac.0-13gts in S.No.293/2 for laying of a road, are not paying compensation, petitioners filed this petition seeking a direction to the respondents to pay compensation to them as per the provisions of the Land Acquisition Act, 1894 (the Act).

2. On behalf of respondents, third respondent filed his counter affidavit inter alia alleging that the road from Kothagudem to Lankapally (Muthagudem), which was originally laid by the Zilla Parishad and was later taken over by the Roads & Buildings Department in 1971 with an existing land width of 15mts and thereafter a proposal to widen the road to 25mts within the village limits and upto 30mts in the plain areas was received and for that purpose the land to be acquired was surveyed, and after publication of the draft notification and draft declaration, two awards were passed on 24-10-1985 and 12-02-1986 and the owners of the lands whose lands were acquired were paid compensation and since the lands of the petitioners were not taken possession of, petitioners are not entitled to any relief and no direction can be given.

3. The allegation in the counter affidavit filed on behalf of the respondents that the lands of the petitioners were not taken possession of is not denied by the petitioners by filing a reply affidavit. Since the lands of the petitioners are not taken possession of, question of giving a direction to the respondents to pay compensation after passing an award does not arise.

4. Hence, the writ petition is dismissed. No costs.

(C.Y.Somayajulu, J.)

Date:09-09-2005

Cvrk